

# **EXHIBIT 16**

## Track One: The New Patent Rules on Continuation and Claims Practice from the USPTO's Perspective

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PowerPoint Presentation ..... 1-3

*The New Patent Rules on Continuation and Claims Practice from the USPTO's Perspective*

**PowerPoint Presentation**



**Present & Future Perspectives of the USPTO**

*Institute of Continuing Legal Education (ICLE)  
Spring Seminar 2007 - March 19, 2007*

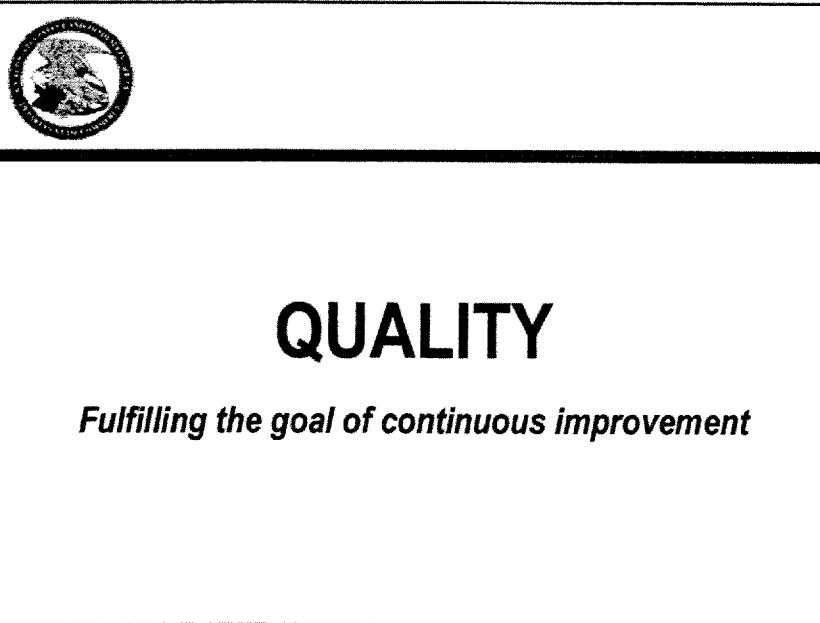
**John Love**  
Deputy Commissioner for Patent Examination Policy



## **Topics**

- Recent Changes – which resulted in success
  - Quality –
    - > Fulfilling the goal of continuous improvement
  - Statistical Update –
    - > Why FY 2006 was a record-breaking year
- Strategic Planning & the Future of the USPTO

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**On-Going Quality Initiatives**

|  |   |
|--|---|
| <ul style="list-style-type: none"><li>■ Interviews before First Action</li><li>■ Second Pair of Eyes</li><li>■ In Process Reviews</li><li>■ Appeal Specialists</li><li>■ Pre-Appeal Brief Conferences</li><li>■ Appeal Conferences</li></ul> | <ul style="list-style-type: none"><li>■ GS 12 Certification Exam</li><li>■ Primary Examiner Recertification</li><li>■ TC Targeted Areas of Review</li><li>■ New Patent Examiner Training Academy</li><li>■ Central Reexamination Unit</li><li>■ Accelerated Examination</li></ul> |
|--|---|

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## **Interviews Before 1<sup>st</sup> Office Action**

- Normally granted in continuing or substitute applications
- In all other applications interview will be granted if the examiner determines that such an interview would advance prosecution of the application
- Examiner may require applicant requesting interview to provide a paper with a general statement of the prior art and no more than three references believed to be the closest prior art and how the broadest claim is distinguished over these.



## **Second Pair of Eyes**

- Focuses on reviewing work product throughout examination
- Tool to gather information for creating training modules
- May be performed throughout a TC or in specific areas

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## In Process Reviews

- Initiated formally in FY 2003
- Statistically significant randomly selected applications are reviewed
- Focus of evaluation:
  - Whether rejections are proper
  - Whether a proper rejection has not been made
  - Evaluate search quality



## Appeal Specialists

- TQAS position in each TC
- May be a conferee for pre appeal and appeal conferences
- Major duties include coordinating appeal matters throughout the TC
- Identify trends and training needs

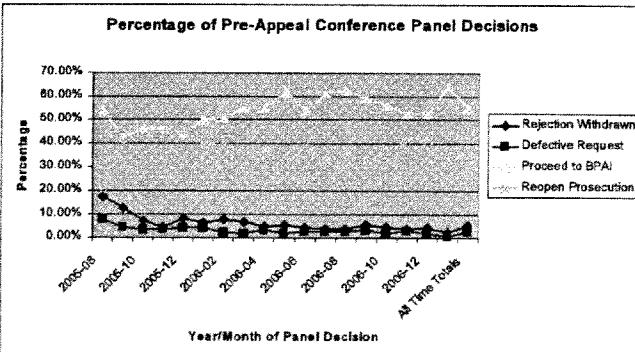
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## Pre-appeal brief conferences

- Program began July 12, 2005
- Extended February 7, 2006
- Over 5,600 conferences conducted
  - For the last three months of 2006, we decided to proceed to the Board over 65% of the time.



## Pre-appeal brief conferences



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## **Appeal Conferences**

- Appeal conference required in every application having a brief
- Conferees include:
  - Examiner
  - SPE
  - Appeal Conferee (appeal specialist, another primary or QAS)



## **GS 12 Certification Exam**

- Implemented in FY 2004
- Ensures that examiners have up to date knowledge of Office procedures and policies
- Confirms through testing that examiners have achieved skills to merit the grant of legal competency and negotiation that occurs with a promotion to GS-13

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## **Primary Examiner Recertification**

- Established in FY 2004
- Applicable to all GS-13 through 15 examiners
- Requirements:
  - Attendance of legal training
  - Testing based on the legal training
  - Periodic expanded review of work product



## **TC Targeted Areas of Review**

- Technology Centers focus on areas where greatest area of impact is made
- May Include:
  - Augmenting in-process reviews
  - Target second pair of eyes review in specific art areas
  - Target specific actions for review (first office action, finals, etc.)

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## **Training academy**

- Six classes hired through training academy in 2006, totaling over 600 new examiners
- Four classes planned in the first half of '07
- Each Tech Center will send new hires through the training academy in '07



## **Training academy**

- Evaluating existing processes, including:
  - Training delivery
  - Program effectiveness
  - Administrative oversight/structure
- Seeking input on future program development and a permanent structure

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## Central Reexam Unit (CRU)

- Initiated in July 2005 to improve quality & timeliness of patent reexaminations
- Over 1500 cases have been assigned
- CRU Staff
  - 3 Managers (SPREs)
  - 30 Primary Examiners
  - 5 Paralegals (support)
  - 5 LIEs (support)
  - Centralized support staff



## Central Reexam Unit (CRU)

- 30 Primary Examiners
  - Varied technical expertise
  - Reexam experience
  - Additional legal training
  - Motivated and collegiate
  - Quality focused

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## **Accelerated Examination**

- Change in practice effective since August 25, 2006
- Over 200 AE applications received
- Guidance provided on the USPTO web site at <http://www.uspto.gov/web/patents/accelerated/>



## **STATISTICAL UPDATE**

*Why FY 2006 Was a  
Record-Breaking Year!*